

DURHAM CONSTABULARY



Altogether Better Policing

Attendance Management Policy

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1.0 ATTENDANCE MANAGEMENT POLICY

2.0 PURPOSE AND SCOPE

2.1 The purpose of this policy is to help Durham Constabulary manage attendance within the organisation. Each case will be considered on its own merits.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

3.1 The legal basis for this policy comes from:

- The Health & Safety at Work Act 1974
- The Police Act 1996
- Employment Rights Act 1996 as amended
- Employment Rights Dispute Resolution Act 1998
- The Access to Medical Records Act 1998
- The Data Protection Act 1998, 2018
- Employment Relations Act 1999
- Employment Act 2002
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Equality Act 2010
- Equality Act 2010 (Specific Duties) Regs 2011
- Police Staff Handbook 2017
- IOPC Guidance (re directed surveillance)
- Working Together to Safeguard Children – Department for Education 2018
- Apprenticeship, Skills, Children and Learning Act 2009

3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.

3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.

4.0 POLICY STATEMENT

4.1 It is the Chief Constables aim to deliver a quality service to the public that we serve. Amongst many things this can be achieved by reducing the sickness absence amongst Officers and Staff and improving attendance and performance.

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In order to achieve this, the Chief Constable will endeavour to provide appropriate support to individuals.

- 4.2 Durham Constabulary is committed to the health, safety and wellbeing of all staff and acknowledges its duty to provide every possible support and assistance to staff who are unable to attend their workplace due to sickness or injury.
- 4.2 Sickness absence is inevitable - staff cannot avoid being ill. Nevertheless it is essential that sickness absence is monitored and managed effectively. Each case must be dealt with individually, in a fair, reasonable and consistent manner, with every consideration given to individual circumstances. All individuals should be treated with respect and line managers should ensure that appropriate support is provided.
- 4.3 Attendance management helps to achieve better attendance at work. Central to this is effective communication with staff, greater awareness of individuals' absences and being active in addressing, where appropriate, an individual's absence record. Whilst acknowledging that sickness absence is genuine, it is not always acceptable to the effective, efficient organisation. In some cases use of Unsatisfactory Performance/Attendance Procedures and/or Disciplinary procedures should be instigated.
- 4.4 The objectives of attendance management include the following:
- making full use of the Wellbeing services
 - making full use of the services of the Health Management Unit with regard to preventative measures
 - reviewing individual sickness records in order that managers can objectively assess the absences and decide on appropriate action
 - ensuring the compliance with sickness rules and conditions
 - exploring the reasons for sickness absence in order to prevent the absence recurring, addressing any welfare problems and ensuring appropriate medical assistance is being provided

This policy should not be applied in a mechanistic way – managers must take into account individual circumstances as well as the supporting guidance when dealing with absences due to sickness.

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- 4.5 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.
- 4.6 It is important Supervisors/Line Managers take responsibility for managing an individual's absence and attendance and maintain contact with those who commence a period of sickness absence.

Throughout this policy, reference is made to maintaining contact with individuals and the below are some suggestions as to how this can be achieved. This list is not exhaustive:-

- Face to face – having regard to any prevailing social distancing requirements
- Skype / Teams
- WhatsApp
- Telephone

The preferred method of maintaining such contact should be agreed between the Supervisor/Line Manager and the Individual.

5.0 REPORTING AND RECORDING SICKNESS ABSENCE

- i) If an individual commences a period of sickness absence, they must report such to their Supervisor/Line Manager or where reference is made to a Line Manager this must be the PEQF Lead if a student officer, as outlined at paragraph 5.1. For student officers on either the PCDA or DHEP, the PEQF Lead will then advise the applicable Higher Education Institute (HEI) as appropriate.
- ii) Under normal circumstances, if an individual becomes ill whilst at work or working from home, they should consult their Supervisor/Line Manager, either in person or via telephone. If they remain unfit for work the following day, they must notify their Supervisor/Line Manager before their working day would normally commence.
- iii) All sickness absences will be recorded appropriately in hours
- iv) All disability related absence should be recorded as such.

5.1 First Day of Absence

- i) All absences must be notified by the individual or exceptionally, by someone acting on their behalf, to a Supervisor/Line Manager before their working day would normally commence.

Notification of sickness absence must not be via email

- ii) All absences must be endorsed on DMS by the individual's Supervisor/Line Manager. This will auto generate a notification to the individuals Supervisor/Line Manager via Origin. Reason for sickness absence must not be entered onto the Duty Management System.
- iii) Where someone acting on their behalf reports sickness absence, the individuals Supervisor/Line Manager, should contact the individual. If this is not possible, the reason should be noted. The Supervisor/Line Manager must complete a sickness entry form via Origin.
- iv) Where possible, the following details should be provided by the individual:
- The actual day (including Saturdays, Sundays, holidays or rest days and part rest days sickness) when the illness began for SSP purposes, however for monitoring purposes this will be the first working day.
 - The nature of the illness
 - The likely duration of the absence
 - A preferred contact telephone number for during the absence
 - Details of any commitments for the anticipated period of absence e.g. court attendance, meetings, training.
 - Workload implications.
- v) For those individuals subject to the sickness triage scheme the Occupational Health Nurse will contact them to offer advice and support. Contact will normally be made on the first day of absence (excluding weekends)

5.2 Fourth Day of Absence

- i) If the individual is not fit to return to work on the 4th day of absence (or any part thereof), he/she, or in exceptional circumstances someone acting on their behalf, should contact the individual's Supervisor/Line Manager to confirm or amend the information given on the first day.

5.3 **Eighth Day of Absence**

- i) If the absence continues after seven consecutive days, the individual must supply a fit note signed by their GP to their Supervisor/Line Manager. Any part day at the commencement of the sickness period will be counted as the first day of absence. Medical certificates must be obtained for any further consecutive periods of absence and should be scanned via their Supervisor/Line Manager to HR Dept. at human.resources@durham.police.uk

5.4 **Attendance Support Meetings**

- i) Attendance Support Meetings are an important part of an individual's health and wellbeing and assists with an appropriate return to work plan.
- ii) During periods of absence, Supervisors/Line Managers have a duty to ensure that appropriate support is provided whilst demonstrating sensitivity to the nature of the absence of the individual.
- iii) It is a Supervisors/Line Managers responsibility to maintain contact with an absent individual and complete an Attendance Support Form (pers 8). The most appropriate method of conducting the meeting should be discussed and agreed with the individual (see paragraph 4.6). This must always take place within 14 days of absence and further contact made on a regular basis up to a maximum of every 28 days until the individual returns to work.
- iv) If an individual intends to be away from their home address during their period of sickness absence, they must notify their Supervisor/Line Manager and provide contact details
- v) If the absence is for 2 months or more, an individual may at this point, request via their Supervisor/Line Manager, a welfare call / visit from a member of their SLT. All further Attendance Support Meetings will then be conducted by the Supervisor / Line Manager. Similarly, if the SLT member considers it appropriate, contact can be made with the individual.
- vi) The individual must co-operate with all Supervisor/Line Manager contact approaches, including those from the Health Management Unit (HMU), during their period of absence. In exceptional cases individuals may request that someone other than their immediate Supervisor/Line Manager makes contact.

5.5 **Attendance Indicator**

- i) The attendance indicator is no more than 64 hours for Police Officers/ 59.2 hours for Police Staff, (pro rata) or no more than 3 periods of absence in the past 12 months; or a pattern of absence suggesting that regular attendance cannot be relied upon.
- ii) If appropriate, reasonable adjustments can be made to an individual's attendance indicator in respect of disability related absences in consultation with HR.
- iii) Pregnancy related sickness absence, including absence following a miscarriage, is the only absence which will not count towards an individual's Attendance Indicator.
- iv) Once the attendance indicator is reached, consideration will be given by the Senior Leadership Team to progressing the individual to the Attendance Review Meeting stage (see paragraph 5.9)

5.6 **Return To Work**

- i) Individuals must ensure that their Supervisor/Line Manager is aware of their intention to resume duty. All individuals returning from absence must be fit to return to work. If a fit note exists and the individual intends to return before it has expired, agreement must be reached between the individual and their Line Manager regarding such a return.

Line managers may seek advice from Occupational Health and ensure that the above agreement and the role/duties to be carried out are captured on the return to work plan.

5.7 **Return to Work Interviews**

- i) Following every period of absence, the immediate Supervisor/Line Manager must conduct a return to work interview with the individual as soon as possible via an appropriate method (see paragraph 4.6)
- ii) If an individual is not coping at work, or whilst working from home, they are encouraged to advise their Supervisor/Line Manager about any issues which are having an adverse impact on their health and well-being.
- iii) If appropriate the Supervisor/Line Manager should discuss with the individual any adverse impact their absence is having upon service delivery.

5.8 **Senior Leadership Team - Attendance Review**

- i) There is no single formula for determining the point that an individual's attendance should cause concern for both short term multiple absences and long term absence
- ii) An individual's attendance will be reviewed by the appropriate Senior Leadership Team (SLT) who will determine the following:-
 - Is any further support required
 - No action to be taken at this stage
 - Should the individual receive a letter advising them they have reached the attendance indicator but no action will be taken
 - Should the individual receive a letter advising them of the above, they will not be considered for the below:-
 - Applications for Promotion / Lateral Development
 - Public holiday working
 - Overtime working
 - Acting up duties
 - Training Requests
 - Pay progression to the next spinal column point for Police Staff only

NB Individual circumstances will always be considered. Individuals should not miss an opportunity for promotion/lateral development whilst an appeal against the Attendance Indicator is being considered. The individual concerned should be included in the recruitment and selection process but any appointment would be dependent upon the outcome of the appeal.

- If there has been no improvement in attendance, the individual attendance exceeds the attendance indicator or the individual has failed to resume full duties, an Attendance Review meeting may be necessary. This will be subject to SLT discretion and review.

All decisions with regard to progressing/considering an Attendance Review Meeting should be recorded on Origin by the Line Manager.

5.9 **Attendance Review Meeting**

- i) If there has been no improvement in attendance, the individual's attendance exceeds the attendance indicator or the individual has not resumed full duties an Attendance Review Meeting (ARM) may be necessary. Each case will be considered on its own merits and advice is available from an HR Manager.
- ii) Supervisors / Line Managers are responsible for:-
- taking responsibility for managing an individual's attendance and absence,
 - arranging an Attendance Review Meeting (see i above) if:-
 - The attendance indicator has been reached.
 - there has been no improvement in attendance
 - the individual has not resumed full duties
 - ensuring all decisions with regard to progressing/considering an ARM are recorded on Origin
 - discussing with HR any implications for potential discrimination when managing absence (*which may be covered by the provisions of the Equality Act 2010*), along with the duty to make reasonable adjustment
- iii) The Attendance Review Meeting will include:-
- The nature of the absence and any medical information available.
 - The likely length of absence and the likelihood and time of a return to duty.
 - The work problems caused by the individual's absence including the adverse impact on service delivery and the effect on the morale on colleagues
 - Any further / appropriate support
 - The need to return to work
 - The need to improve and/or maintain attendance in the workplace
 - The need to resume full duties in their current substantive post

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- The development of an improvement plan if necessary (pers 266 and pers 266 (a). Examples of suggested objectives are outlined at Appendix A
- Progression to formal procedures under Police Regulations 2012 or Police Staff Capability Policy if the improvement plan is not achieved within the agreed timescales.

- 5.9.1 A monitoring period will be agreed at the time the improvement plan is initiated. The entire period should not exceed 12 months i.e. if the agreed plan is for 3 months the monitoring period will therefore be 9 months.
- 5.9.2 If attendance improves and is maintained at a satisfactory level there will be no need to commence formal action
- 5.9.3 If there is no improvement in attendance/improved attendance is not sustained or there is not a return to full duties within the agreed timescales, consideration will be given by the SLT to commence formal procedures under Police Regulations 2012 or Police Staff Capability Policy. Each case will be considered on its own merits.

NB:- An Attendance Review meeting may be carried out when the individual is on sickness absence leave.

6.0 PEOPLE MANAGEMENT ATTENDANCE BOARD

- i) Durham Constabulary is committed to managing staff absence appropriately and holding Supervisors/Line Managers to account for managing staff attendance and absence. In this respect, the People Management Attendance Board will convene on a monthly basis to ensure such accountability is achieved.
- ii) The People Management Attendance Board will review and discuss those Officers and Staff:-
- Who have reached a 3 month absence period and the actions taken by the Supervisor / Line Manager. Before the meeting, each case will be considered on its own merits as it may not be appropriate for all individuals to be discussed having regard to current individual circumstances and reason for absence.
 - Who should now be considered for a medical case conference

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- iii) Relevant information to be considered at the meeting will be sourced from the Pay Panel / Supervisors and Line Managers and Occupational Health
- iv) The meeting will be attended by:-
 - Head of People Standards and Development Command
 - HR Manager
 - Individuals Line Manager
- v) After the meeting, the HR Manager will update the appropriate SLT meeting with regard to the outcomes from the People Management Attendance Board for Staff and Officers in their areas only.

7.0 **ANNUAL LEAVE AND SICK LEAVE**

7.1 **Annual Leave or Sick Leave**

- i) Individuals should note that they cannot be on a period of annual leave and sick leave at the same time. Recuperative duties (including working from home) are also not permitted whilst on sick leave.

7.2 **Pre-Arranged Annual Leave**

7.2.1 **Certified Sickness Absence**

- i) If an individual is unfit for work and still intends to take a pre-arranged holiday, they will remain on sick leave and arrangements should be made via their Supervisor/Line Manager to cancel their annual leave from Origin. The days will be reallocated at a later date but within the same leave year if possible. If the individual does not have the opportunity (due to insufficient working days left in the current leave year) to take their leave in the current leave year, then they are entitled to carry forward untaken leave (up to the statutory maximum of 20 days minus any holidays actually taken) to the next leave year. Such leave cannot be carried forward indefinitely and will be limited to an 18 month carry forward period from the end of the leave year in which the leave was accrued.
- ii) All staff with the assistance of Line Managers, should attempt where possible to manage their leave balance to an appropriate level when they resume from sick leave.

7.2.2 Uncertified Sickness Absence

- i) Uncertified sickness absence during a pre-planned period of leave will result in the annual leave being lost unless the individual obtains a GP certificate for the period of their sickness absence in which case the annual leave will be postponed until a later date within the same leave year. If the GP charges for this the cost will not be reimbursed by the Force.

7.3 Public Holidays/Rest Days/TOIL

- i) Public holiday enhancements cannot be claimed if the individual does not work due to sickness. Where an individual is sick on a rest day or public holiday, they will not have a day re-allocated to them. If an individual is on certified sick leave on a lieu day/flexi day this can be reallocated on request.

7.4 Long Term Sickness Absence

- i) An individual who remains absent at the end of the current leave year and has not been able to take their full annual leave entitlement as a result of sickness absence may apply within a reasonable period of time, to their Head of Command/Dept, to carry forward untaken accrued statutory annual leave to be taken in the next leave year. (see below iii)
- ii) Annual leave does not accrue for Police Staff during any period of unpaid sick leave and this must be taken into consideration when calculating annual leave entitlements.
- iii) Statutory leave is currently 20 days (160 hours for police officers/148 hours for police staff) minus any holidays actually taken. Such leave cannot be carried forward indefinitely and will be limited to an 18 month carry forward period from the end of the leave year in which the leave was accrued.

8.0 MEDICAL APPOINTMENTS

8.1 Referrals to Occupational Health

- i) Where an illness is stress, or the individual has sustained a muscular skeletal related injury whilst performing actual duties associated with their role the individual must be referred to Occupational Health immediately by completing pers 222.
- ii) All individuals who are expected to be absent from work due to sickness for more than 28 days, must be referred to HMU by their Supervisor/Line

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Manager. Individuals who are not on sickness absence leave may be referred to the Occupational Health Advisor (OHA) for advice regarding fitness to undertake their role.

- iii) Authorised Firearms Officers who self-suspend for medical reasons should automatically update Occupational Health and when this self-suspension is for mental health reasons; their line manager must immediately refer them to Occupational Health. When the medical self-suspension lasts for more than four weeks then the individual should automatically be referred to Occupational Health
- iv) All relevant background information must be included on the form or in a supplementary report. Supervisor/Line Manager's must be specific with regards to the questions asked of the OHA /Force Medical Advisor (FMA) to ensure an appropriate response.
- v) Feedback from HMU following appointment will be forwarded with the individuals consent to the Command/Department, HR and the individuals GP via a report and form Pers. 208.
- vi) An individual attending an appointment with an OHA / FMA can request to have a member of the same sex present during their consultation/examination (this may be a workplace colleague or a member of the HMU). The appointment can be conducted via a number of methods and should be agreed with the individual (see paragraph 4.6)
- vii) An individual who is unable to work as a consequence of illness will be required to submit to an examination by a medical practitioner nominated by the force subject to the provisions of the Access to Medical Reports Act 1988. At the Force's request for consultancy advice, the consultancy fees only will be paid by the employer.
- viii) It is in the best interest of an individual to attend/co-operate with medical appointments, (see paragraph 4.6) give consent to obtain relevant medical information and attend/co-operate with a medical case conference. If an individual fails to do so their sickness absence/medical issue will be assessed on the information available.
- ix) Medical appointments made with the HMU will be conducted during normal working hours (wherever possible) and individuals will not lose time or annual leave This will also apply to any medical/counselling/physiotherapy appointment made via and subsequently paid for by the HMU.
- x) The Force will reimburse any excess travelling expenses incurred in connection with such an appointment, from the appropriate Command

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budget. Any necessary travelling will be discussed with the HMU staff. These travelling expenses will be from the individual's normal place of work to the location of the appointment. If an individual is on sick leave at the time of attending such an appointment, excess travelling expenses will be paid i.e. the shorter distance from either home or the normal place of work to the location of the appointment. However, no travelling expenses will be paid when an individual makes a request for an earlier Selected Medical Practitioner appointment and attends the clinic located at Leeds. Overtime/flexi leave will not be accrued whilst attending these appointments.

- xi) The cost of any missed appointments including telephone appointments, will be reclaimed from individuals unless, due to unavoidable operational requirements. If the appointment is not convenient for any reason, the individual must at least 48 hours beforehand advise the HMU, who will arrange an alternative appointment. Each case will be reviewed on its merits

The cost of a missed appointment with the FMA is £125 and with the occupational health nurse £27.00. Arrangements can be made for the repayment of such to be made of a period of up to a maximum of 12 months.

- xii) The Head of People, Standards and Development Command is authorised to instruct any individual to comply with an appropriate medical appointment. Failure to obey such an instruction may constitute a disciplinary offence.

8.2 **Further Medical Opinion**

- i) If the Officer's GP determines they are fit for work and the FMA deems they are not, they may be suspended from duty by the Chief Constable.
- ii) If an Officer's GP states that they are not fit to return to work and the FMA deems that they are fit, then the opinion of a suitably qualified third party doctor may be sought.

8.3 **Medical Case Conferences**

- i) To assist in the management of complex or long term sickness absence cases, issues can be covered through a case conference which may be called by the individual's Head of Command, Head of People, Standards and Development Command
- ii) The case conference can be conducted via a number of methods and should be agreed with the individual (see paragraph 4.6)
- i) Medical case conferences will be attended by a combination of the following:
 - Individual
 - Head of People, Standards and Development Command
 - HR Manager
 - Command/Department Representative
 - Health Services Manager
 - FMA or OHA
 - Welfare Manager
 - Staff Association / Trade Union Representative (only if the individual is a member and wishes to be appropriately represented)

Case conferences will be arranged by the HMU.

8.4 **Physiotherapy**

- ii) Following a referral into the HMU, an individual who has sustained an injury whilst performing actual duties associated with their role, may be referred and paid for by the Force, subject to specific criteria being met namely:- Police Officers, Special Constables who have been injured on duty whilst exercising their police powers (this includes any injury sustained during officer safety training), Police Staff who have been injured whilst undertaking a specific task as outlined in their job description. In addition and where appropriate, the Occupational Health Adviser may recommend physiotherapy to support an individual to return to full duties.
- iii) Such a referral for physiotherapy can be made via the FMA/ OHA or an appropriate member of the HR and Health Services Team. Any such physiotherapy will only be provided by a supplier with whom the Constabulary has a formal arrangement.
- iii) The attendance at such an appointment will be subject to any prevailing social distancing requirements

8.5 **Other Medical Appointments**

- i) Necessary time off with pay will be granted to individuals for the purposes of medical screening for cancer or subsequent recalls, antenatal care and disability related appointments (as defined under the Equality Act -advice can be sought from an HR Manager or OHA). Individuals must obtain permission to attend such appointments from their line manager and if requested to do so they must provide appointment details and an appointment letter or card.
- ii) All other appointments (which could include staff who are intending to or considering transitioning from one gender to another) should be attended in an individual's own time. On occasions these appointments may be during normal working hours but managers should, where possible, allow their staff to take flexi leave, time off in lieu or unpaid time off to attend.

8.6 **Directed Medical Surveillance**

- i) Durham Constabulary will always be committed to the health, safety and wellbeing of all staff and acknowledges its duty to provide every possible support and assistance to individuals who are unable to attend the workplace due to sickness or injury. Such a commitment also applies to the public that we serve in that the Force must demonstrate our Attendance Management Policy and the process for the attainment of medical pensions are being appropriately managed.
- ii) On occasion, the Force may initiate directed medical surveillance to assist with managing and challenging staff who may provide misleading, incorrect or inaccurate information regarding their absence or medical status.
- iii) The application of such directed medical surveillance will be managed by the Force's Head of People, Standards and Development Command and will only be initiated following the receipt of intelligence regarding an individual's actions which may impact upon or be directly related to their absence/illness.
- iv) Directed medical surveillance will only be initiated after appropriate harm testing has been conducted and appropriate authorisation provided by the Force's Professional Standards Unit. The criteria for such is available from Professional Standards upon request.

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- v) Appropriate medical advice will be sought from Occupational Health in relation to the compatibility of external activities with the illness or injury in question.

Such surveillance is outside of the requirement for Line Managers to actively manage the sickness absence of their staff as outlined in this policy.

9.0 THE SICKNESS PAYMENTS/ PAY PANEL

9.1 Sickness Payments

Police Officers

- i) Police Officers are entitled to 6 months full pay and 6 months half pay irrelevant of the length of service.

Police Staff

- i) Sick payments are intended to supplement Statutory Sick Pay or any short term or long term incapacity benefit under the Social Security (Incapacity For Work) Act 1994(a) including any increase for adult and child dependants or State Insurance Benefits so as to maintain pay.

Sick pay is calculated as follows:

a) During 1st year of service

- 1 month full pay and
- after completing 4 months service 2 months half pay

b) During 2nd year of service

- 2 months full pay and
- 2 months half pay

c) During 3rd year of service

- 4 months full pay and
- 4 months half pay

d) During 4th and 5th year of service

- 5 months full pay and
- 5 months half pay

e) After 5 years' service

- 6 months full pay and
 - 6 months half pay
- ii) "Full pay" in the table above shall be an amount which when added to Statutory Sick Pay or any Employment and Support Allowance receivable will secure the equivalent of normal pay. Full pay includes all the guaranteed earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- iii) "Half pay" in the table above shall be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick pay or any Employment and Support Allowance so long as the total sum does not exceed normal pay.

9.2 Calculation of Sick Pay

- i) The rate of allowance and the period for which it should be paid in respect of any absence due to illness should be ascertained by deducting from the period of benefit appropriate to an individual's service on the first day of his or her absence the aggregate of the periods of absence due to illness during the twelve months immediately preceding the first day of absence. Unpaid absence on sick leave should be disregarded. Service in a temporary capacity should be recognised.
- ii) All individuals should declare to the force their entitlement to benefits and any subsequent alteration in such entitlement. If they do not the force should determine the benefit by reference to the maximum benefit obtainable.
- iii) Where an individual is receiving sickness pay, he or she should continue to receive such pay if a public holiday occurs during the sick leave. Where an individual has exhausted his or her period of entitlement to sickness pay, no payment should be made (other than SSP if applicable) in respect of a public holiday occurring during his or her period of sick leave.

9.3 **Pay Panel**

- i) The Panel meets once per month and its role is to supply information to the Chief Constable to assist with making a decision about an individual's salary whilst they are on sick leave.
- ii) The Panel consists of:-
 - Head of People, Standards and Development Command and/or HR Manager
 - Representative from the Police Federation
 - Representative from Unison
 - Input from the Force Legal Advisor when necessary
 - Administered by an HR Advisor
- iii) On request, the individual, their staff association, trade union representative may wish to make a written representation to the Panel. Heads of Command/Dept are required to advise the SPP of any representations.
- iv) The panel should be provided with all information pertaining to the individual's absence for those individuals who are nearing the expiry of their entitlement to full pay.
- v) The panel will consider the following:
 - Has the individual been referred to the Selected Medical Practitioner (SMP)/Independent Registered Medical Practitioner (IRMP)?
 - If the SMP/IRMP recommends the individual is permanently disabled from performing a role within the Constabulary and is subsequently to be medically retired, the individual will remain on their current pay status at the time of referral which may be full, half or nil pay and will only be reinstated to full pay (if necessary) when the notice period commences if medical retirement is progressed.
 - is the absence due to a terminal condition. The panel will seek appropriate professional advice and guidance from the Health Management Unit in this respect.
 - is the absence due to an injury sustained whilst performing actual duties associated with their role which is not the fault of the individual and is the individual making active attempts to return to work?

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- Is the individual considered to have prejudiced their recovery in some way, if so consideration will be given to suspending the payment of the sick pay
 - If the individual has been diagnosed with work related symptoms of PTSD by OHU/FMA or their own GP and is actively undertaking the appropriate levels of recommended medical treatment such as Counselling, CBT and EMDR then consideration will be given to recommend to the Chief Constable to retain the individual on their current level of pay. The panel will seek appropriate professional advice and guidance from the Health Management Unit in this respect.
 - Were any of the absences recorded as Covid19
- vi) The panel will then make recommendations to the Chief Constable who will consider each case on merit and exercise discretion to salary as follows:
- No extension of salary.
 - Remain on full pay, to be reviewed again by the panel after a stated duration.
 - From half pay to full pay for a stated duration as deemed by the panel.
 - From no pay to half pay as deemed appropriate by the panel.
- vii) The decision of the Chief Constable will be communicated in writing to the individual
- viii) An individual will be notified by letter approximately 6 weeks before the due date that they are liable to have their pay reduced, the letter of liability will remain current for a period of 12 months from the date of the appropriate pay panel. The letter will give the individual the opportunity to make representations to the Chief Constable regarding the pay reduction. If pay is then to be reduced this will either be effective from the date of the Pay Panel or actual date due whichever is the latter.
- Note: For occupational sick pay entitlement record purposes [and without prejudice to the arrangements for self-certification days and to any local provisions on “qualifying days” for statutory sick pay purposes] “one month” should be deemed to be equivalent to 26 working days. Saturday being reckoned in all cases as a working day.

10.0 **GENERAL PRINCIPLES**

10.1 **Maternity Related Sickness**

- i) Individuals cannot receive Statutory Sick Pay (S.S.P.) and Statutory Maternity Pay (S.M.P.) at the same time. In normal circumstances:
- if the individual is sick in the 4 weeks before their expected week of childbirth (EWC) and they are still at work, SSP is payable if the illness is not wholly or partly pregnancy related.
 - if the sickness in the immediate 4 weeks before the EWC is wholly or partly pregnancy related, maternity leave and pay are automatically triggered.
 - Time off for pregnancy termination should be counted as pregnancy related sickness absence. However, such related sickness absence will be included when calculating sickness payments.

10.2 **Additional Employment**

- i) Where the Chief Constable's approval has been given to pursue a business interest, such approval is suspended for the duration of a period of absence due to sickness.
- ii) If an individual has additional employment with another employer they must ensure that this does not hinder a return to work with Durham Constabulary
- iii) In terms of voluntary work, individuals will need to seek the permission of the Chief Constable for such work. If necessary, medical opinion from the FMA may be sought before such approval is given.
- iv) If an individual has additional employment with another employer, they should seek advice from Professional Standards and Legal Services Department. Failure to do so could result in disciplinary action being taken.

10.3 **Federation/Union Representation**

- i) Individuals should be offered the facility to be accompanied during all formal meetings if they wish, by a recognised Trade Union/Staff Representative/ Workplace Colleague / or Support Group Representative (not acting in a legal capacity) employed by Durham. (This person would normally attend in an observer capacity unless invited to participate by the Manager).

10.4 **Personal Circumstances**

- i) Individuals must not report sick to meet personal or domestic needs unrelated to sickness. Such use is inappropriate and may constitute a disciplinary offence; other forms of support are available, see Leave Policy.
- ii) Difficult personal or domestic circumstances deserve understanding and the support of Supervisors/Line Managers. This would include, for example, the urgent need to care for a sick child or other dependant, such as seriously sick, elderly or disabled relatives, partners and family, where it has proved impossible to make other arrangements. Individuals may be granted special leave, with or without pay, in such circumstances. The successful operation of this facility will depend on openness and trust between managers and staff. Supervisors/Line Managers are much more likely to be able to help an individual if they have an understanding of the circumstances before a crisis arises, e.g. where a child or family member suffers from a particular chronic illness, or if informed immediately in a case of bereavement or serious illness. Individuals are encouraged to discuss difficulties with Supervisors/Line Managers as soon as appropriate to enable the organisation, where possible, to support them via these means.

10.5 **Salary Sacrifice Schemes**

- i) Salary sacrifice schemes will cease during any unpaid leave with the exception of maternity leave, maternity support leave or adoption leave.

10.6 **Recuperative duties and Annual Leave**

- i) Individuals working recuperative duties on reduced hours will be required to take annual leave as full days irrespective of the hours worked.

10.7 **Court Attendance**

- i) If court attendance is required, and the individual is unfit to attend, they should obtain their GP's written support for their non-attendance. If the GP charges for this service, the costs will not be reimbursed by the Constabulary.

10.8 **Cosmetic Elective Surgery**

- i) Individuals who elect to undergo cosmetic surgery (for example body enhancements, transitioning from one gender to another) will be required to take flexi leave, TOIL or unpaid special leave.
- ii) In the event of becoming ill as a result of such surgery, individuals will be eligible for paid sick leave.

10.9 **IVF and Fertility**

- i) For information regarding IVF and Fertility treatment please refer to the Leave Policy

10.10 **Grant Of Sick Pay To Victims Of Crimes Of Violence**

- i) Where an individual is absent from work because of an injury in respect of which a claim will lie to the Criminal Injuries Compensation Authority and the individual is otherwise qualified to receive sick pay, such sick pay should be provided without any requirement to refund any proportion of it from the sum which the Compensation Authority may award.
- ii) Where an award has been made by the Compensation Authority the whole part of the period of sick leave occasioned by the injury may be discounted from the calculation of sick pay entitlement

10.11 **Conditions in relation to SSP/Dept of Work and Pension Benefits**

- i) A doctor's statement should be provided not later than the eighth calendar day of absence. Subsequent doctor's statements should be submitted to cover any absence that extends beyond the period covered by the initial statement, at the same intervals as required for national insurance purposes and at similar intervals in respect of the period for which SSP/DWP benefits is payable. In an exceptional case, a requirement to submit statements at more frequent intervals may be stipulated. In cases where the first doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary a final statement as to his or her fitness to resume duties should be obtained by the individual.

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- ii) On return to work where the absence has continued beyond three days the individual should certify, in writing if required, the reasons for all such absences up to an including seven days.
- iii) An individual entering a hospital or similar institution should submit a doctor's statement on entry and on discharge in substitution for periodical statements.

10.12 **Conditions in relation to absence as a result of an accident**

- i) Sick pay (excluding SSP) should not normally be paid in a case of accident due to active participation in sport as a professional, nor in a case in which the absence arises from or is attributable to an individual's own misconduct.
- ii) A member of police staff who is absent as the result of an accident should not be paid an allowance if damages may be receivable from a third party as outlined at paragraph 10.10 (iii). In this event a sum not exceeding the sickness allowance provided under this policy may be advanced, subject to the individual undertaking to refund the total amount of such allowances or the proportion thereof represented in the amount of damages received. Any period of absence in such a case where a refund of the monies advanced is made, should not be recorded for the purposes of sickness absence. Where, however, the refund is made in part only, the period of absence not covered by the refund may be so recorded.

10.13 **Non-compliance with policy**

- i) Persistent failure to comply with reporting procedures could also result in disciplinary action

10.14 **Absences Excluded from Redundancy or De-Selection**

Disability related absence which was recorded at the time of the absence, maternity related absences including absence following a miscarriage and injury on duty where injury was sustained whilst performing actual duties associated with individual's role and is recorded on Origin will not be considered during any redundancy / de-selection exercise.

11.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

Attendance Review Meeting – Improvement Plan (pers 266)

Examples of suggested objectives:-

Meet Supervisor who should carry out training needs analysis and risk assessment

Work with own relief where possible for continuity of supervision

Supervisor to identify Mentor on shift

Admin duties in police station ie computer updates etc

Shift support duties

Wear Uniform

Have radio switched on

Attend briefings with own shift when coincided with TOD

Shadow front office

- Take reports from public at front office (non-confrontational)
- Take statements from public for Police Officers in office
- Update training

Shadow Diary Car with mentor/tutor

- Take statements from public away from office
- Take lead on diary car with mentor for support

PST training (necessary to complete stage 4)

Consideration of driver training

Shadow mentor on operational shifts

- Take lead on operational duties
- Independent patrol

EQUALITY IMPACT ASSESSMENT (EIA)

ATTENDANCE MANAGEMENT POLICY

An equality impact assessment (EIA) form **must** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

The EIA must be completed **before** decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification

1) Purpose of the policy. Why do we need it and what will it achieve	
To help Durham Constabulary manage sickness absence within the organisation whilst proving appropriate support to individuals who may be absence from the workplace due to sickness.	
2) Explain briefly why the Policy/Procedure is being developed or reviewed?	
Policy updated to include references throughout to Covid social distancing requirements during appointments. A member of staff can request a meeting with a member of their SLT after 2 months absence and a reciprocal arrangement is included with regard to SLT contact. Introduction of a People Absence Management Board	
3) What research/resources have been used or considered in the initial stages of this assessment?	
4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure	
All support networks. HR Staff Staff associations Legal Services	Force Executive (AC0) Independent Advisory Groups (IAG's)

Heads of Command

5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral?

A **Positive Impact** – will actively promote equality of opportunity or improve relations between one or more groups

An **Adverse impact** – will cause some form of disadvantage or exclusion.

Neutral impact is when there are no notable consequences for any diversity group

Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.

If an adverse (negative) impact has been identified question 5 must be completed.

	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			x	
Disability	x			The People Management Board will focus upon the measures put in place by Line Managers to support an individual's return to work including OH support and reasonable adjustments. Wider consideration of potential discrimination when managing absences along with the duty to make reasonable adjustments.
Transitioning from one sex			x	

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to another (either thinking of, in the process of or have)				
Marriage and Civil Partnership			X	
Pregnancy and Maternity			X	
Race			X	
Religion or Faith			X	
Gender			X	
Sexual Orientation			X	
6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.				

Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.	
Signature...	
Name Sylvia Horsfield	Date 28 th January 2021
7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group	
Meeting/Group:-	HR PUG
Chair of Meeting/Group:-	T/C/Supt Curtis